THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NOs.20576 and 20588 OF 2006

DATED: 28.9.2006.

BETWEEN:

Ekula Mallaiah … Petitioner.

And

The Dy. Commissioner of Labour,
Warangal
and others. … Respondents.

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.20576 and 20588 OF 2006

COMMON ORDER:

These writ petitions are filed seeking a writ of certiorari to call for the records pertains to Certificates issued under Section 8 of Gratuity Act in Case Nos.P.G.4 & 5/2003 dated 25.7.2006 by the 2nd respondent and consequential proceedings No.B1/2818/06 and B1/2827/06 dated 23.8.2006 issued by the 1st respondent and to set aside the same.

The main grievance of the petitioner is that without considering any of the submissions made by him, the Assistant Commissioner of Labour – the second respondent herein, passed orders dated 31.12.2005 under Section 7(4)(b) of Payment of Gratuity Act directing him to pay an amount of Rs.15,250 and Rs.27,692/- to the third respondent respectively in both the writ petitions. It is further stated that without issuing any notice to the petitioner, the second respondent issued Certificate under Section 8 of the Act and forwarded the same to the first respondent, who in turn issued show cause notice initiating proceedings for recovery of said amounts under A.P. Revenue Recovery Act.

Admittedly, as against the orders passed by the Assistant Commissioner in Case Nos.P.G.4 and 5 of 2003, dated 31.12.2005, an effective remedy by way of appeal is provided under Section 7(7) of Payment of Gratuity Act to the Deputy Commissioner of Labour.

Inasmuch as the petitioner has approached this Court without availing the remedy of appeal as provided under the Act, it is suffice in the interest of justice to direct the petitioner to avail the remedy of appeal, wherein the petitioner can as well seek stay of further proceedings in pursuance of the impugned order.

Under these circumstances, both the writ petitions are disposed of with a direction to the petitioner to avail the remedy of appeal by approaching the appellate authority within a period of three weeks from the date of receipt of a copy of this order.

Till such time, there shall be stay of all further proceedings pursuant to the show cause notice dated 23.8.2006.

The writ petitions are disposed of accordingly. No order as to costs.

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28.9.2006.

ksr/mdaa